

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**ANPU UNNEFER AMEN, also known as  
James Taylor,**

**Petitioner,**

**v.**

**9:10-CV-1028  
(FJS/TWD)**

**THOMAS LAVALLEY,**

**Respondent.**

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**APPEARANCES**

**ANPU UNNEFER AMEN  
07-R-3460**  
Collins Correctional Facility  
P.O. Box 340  
Collins, New York 14034  
Petitioner *pro se*

**OF COUNSEL**

**OFFICE OF THE NEW YORK  
STATE ATTORNEY GENERAL**  
120 Broadway  
New York, New York 10271  
Attorneys for Respondent

**PRISCILLA I. STEWARD, AAG**

**SCULLIN, Senior Judge**

**ORDER**

Petitioner commenced this habeas corpus proceeding, pursuant to 28 U.S.C. § 2254, challenging his conviction. *See* Dkt. No. 1. On September 30, 2013, Magistrate Judge Dancks issued a Report-Recommendation and Order, in which she recommended that the Court deny and dismiss the petition. *See* Dkt. No. 25. Petitioner filed objections to those recommendations. *See* Dkt. No. 26.

In reviewing a magistrate judge's report-recommendation, the district court may decide to accept, reject or modify the recommendations therein. *See* 28 U.S.C. § 636(b)(1). The court conducts a *de novo* review of the magistrate judge's recommendations to which a party objects. *See Pizzaro v. Bartlett*, 776 F. Supp. 815, 817 (S.D.N.Y. 1991). ""If, however, the party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error."" *Salmini v. Astrue*, No. 3:06-CV-458, 2009 WL 1794741, \*1 (N.D.N.Y. June 23, 2009) (quoting [*Farid v. Bouey*, 554 F. Supp. 2d 301] at 306 [(N.D.N.Y. 2008)] (quoting *McAllan v. Von Essen*, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007))). Finally, even if the parties file no objections, the court must ensure that the face of the record contains no clear error. *See Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (quotation omitted).

The Court has conducted a *de novo* review of Magistrate Judge Dancks' September 30, 2013 Report-Recommendation and Order in light of Petitioner's objections and concludes that Petitioner's arguments are without merit.<sup>1</sup> Accordingly, the Court hereby

**ORDERS** that Magistrate Judge Dancks' September 30, 2013 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

**ORDERS** that Petitioner's petition is **DENIED and DISMISSED in its entirety**; and the Court further

**ORDERS** that no certificate of appealability shall issue in this case because Petitioner has failed to make a "substantial showing of the denial of a constitutional right" pursuant to 28

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<sup>1</sup> The Court notes, by way of example, that *Sudler v. City of New York*, 689 F.3d 159 (2d Cir. 2012), on which Petitioner relies as a basis for one of his arguments is factually and legally distinguishable from this case.

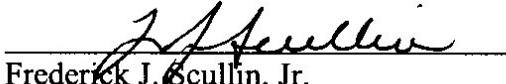
U.S.C. § 2253(c)(2); and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment and close this case; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: September 25, 2014  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge